


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES**

Subject: PROBATION	Policy Number: 40
Number of Pages: 3	Section: XIV
Attachments: A. Probation Contract	Related Standards & References:
Effective Date: October 1, 2016	Approved:  James Maccarone, Director

I. POLICY

It is the policy of Mississippi Department of Human Services, Division of Youth Services that any juvenile adjudicated “delinquent” or adjudicated “child in need of supervision” who is placed on probation status will be supervised by the Community Services section, Youth Services Counselor for a period of time specified by the Judge.

Any youth adjudicated “delinquent” or “child in need of supervision” who is placed on probation by the Youth Court under Miss. Code 43-21-605, and this or her parent(s) or guardian(s), will enter into a probation contract with the Community Services section of the Mississippi Department of Human Services, Division of Youth Services.

II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

Probation: A disposition which allows a youth under the court’s jurisdiction to remain in his/her community under the supervision of a youth services counselor, under certain terms and conditions set forth by the court.

Delinquent Child: means a child who has reached his tenth birthday and who has committed a delinquent act.

Child in Need of Supervision: A child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

- i. Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or

- ii. While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or
- iii. Runs away from home without good cause; or
- iv. Has committed a delinquent act or acts.

III. PROCEDURE

- A. The Community Services section, Youth Services Counselor is to discuss the probation contract in detail including special conditions with the youth and parent(s) or guardian(s) at the initial probation meeting. The Youth Services Counselor will discuss their role in the probation process. The probation process and the youth's rights will be explained in youth friendly language. The Youth Services Counselor is responsible for matching services and supports with identified criminogenic needs.

The role of the Youth Services Counselor consists of the following duties and responsibilities:

- Prepares social histories, interviews youths, and makes other necessary contacts.
- Confers with supervisor on apparent emotional problems of youths.
- Facilitates enrolling youth in individual and group counseling regarding troubled youths and or youths in the juvenile justice system.
- Prepares and maintains files, documentation, legal documents, and various reports.
- Provides access to supervision, leadership, and programs for troubled youths and or youths in the juvenile justice system.
- Initiates correspondence to the student and families and to the courts.
- Develops and maintains relations with the court and the community.
- Performs related or similar duties as required or assigned by the agency.

The Youth Services Counselor will explain to the youth and parent or guardian the following:

- If the youth fails to follow the rules of the court's order that the Youth Services Counselor will be responsible to report the violation to the court.
- If the youth comes back to court charged with a violation, the youth has a right to challenge the charge and has a right to be represented by counsel.

- During the Revocation Hearing, the Youth Services Counselor will be making a recommendation on how the case should be resolved or the consequences to be given. Revocation Hearings In MYCIDS are identified as Post Dispositional Review Hearings.
- The recommendation will be based on what is in the youth's best interest and safety of the community derived from all background information.
- The potential consequences if probation is violated to youth and parents, guardians or custodians if probation is violated. Said consequences can range from an apology letter to earlier curfew to electronic monitoring to detention.
- How often he or she is expected to report for probation conferences.

During the initial visit, the Youth Services Counselor will inquire about and try to recognize any disability that the youth or family may have which would impact their ability to understand. The Youth Services Counselor will make reasonable modifications to practices and procedures for such disabilities, limited literacy or other limitations.

The probation contract will include any special conditions of the youth's probation. The special conditions will specify the actions that the youth must undertake and any deadlines for compliance. Specifically, it will be outlined in the probation contract any places that the youth is not allowed to visit. The contract will further outline any victims or other people identified by the court that the youth must not contact, talk to or send messages by mail, phone, email, text messaging or through internet, through other people or any other way.

If a youth on probation has violated the terms of probation, the Youth Services Counselor may complete a violation complaint questionnaire that documents the youth's violations and responses. The Youth Services Counselor may request a custody order for detention and or Post Dispositional Review Hearing to revoke probation after all the less restrictive responses have been utilized and deemed appropriate based on factors relative to the offense. The Youth Services Counselor cannot recommend detention or other incarceration for violations that are not detainable offenses unless all alternatives have been exhausted.

Whenever the Youth Services Counselor requests a revocation, it is at the discretion of the court's prosecuting attorney to file a petition to revoke and schedule a Revocation Hearing unless otherwise specified by the Judge. The decision to violate the youth will be based on the nature of the offense, victim impact, frequency of the violation, compliance with terms of conditions and community safety. The Youth Services Counselor's recommendation for the youth's violations will be based on the Graduate Responses Policy 42.

- B. The Community Services section, Youth Services Counselor will monitor and supervise the youth by follow up telephone or office visits according to Policy 41 Case Contact Standards.
- C. The Community Services section, Youth Services Counselor will do a motion to close cases if all terms and conditions are successfully completed. If the case is closed satisfactorily, the Youth Services Counselor will attach all supporting documentation to show proof of completion. The Youth Services Counselor will continue to monitor the case until the judge signs the motion to close. After the Judge signs the motion, the Youth Services Counselor will notify the youth and parent or guardian that the case has been closed. Verbal or written notification that the case has been closed will be given to the youth and the parent or guardian by the Youth Services Counselor.

IN THE YOUTH COURT OF _____ COUNTY, MISSISSIPPI

IN THE INTEREST OF _____
, A MINOR

MYCIDS#: _____

(DOB: xx/xx/xxxx)

Docket #: _____

PROBATION CONTRACT

I, _____ understand that I have been placed on probation by the
_____ County Youth Court for _____ months. To complete my probation, I
must:

1. _____ Come to Court when told to do so.
2. _____ Come to meetings with the Youth Services Counselor, court staff, or
appointed volunteers as part of probation.
3. _____ Live with _____, my parents, custodians, or
guardians, and obey their rules. I must make sure that my parents or guardians
know where I am at all times and have their permission to leave home. If I am
placed on house arrest, my Youth Services Counselor will explain the rules for
that program at that time.
4. _____ Follow curfew and be home and stay there. Sunday through Thursday
nights from _____ p.m. until _____ a.m. and Friday and Saturday nights from
_____ p.m. until _____ a.m.
5. _____ Notify my Youth Services Counselor within twenty-four hours of any
change in phone number, address, residence or school.
6. _____ Attend school every day while school is in session, unless I have an
excuse accepted by the school district. If I am suspended or expelled, I must
attend an educational program approved by the Mississippi Department of
Education or an alternative program approved by the court. I understand that I
must follow all rules of the school.
7. _____ Not use any alcohol or drugs, except those that a doctor
or dentist prescribes for me.
8. _____ Give a urine sample to test for drugs or alcohol whenever asked to do
so as part of probation.
9. _____ Not break any laws.

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10. _____ Stay away from the following places: _____
11. _____ Not contact talk to or send messages by mail, phone, email, text messaging, or through the internet, through other people or by any other way with the following persons: (Victims and other people identified by the court)
12. _____ Not carry any guns, knives, or other weapons.
13. _____ Meet and cooperate fully with my Youth Services Counselor, _____. The first scheduled appointment is:

Date of Appointment

Time

Place of Appointment

14. _____ Attend and complete the following programs:

Name

Place

Name	Place

15. _____ Complete _____ hours of community service by working at a site approved by the court or Youth Services Counselor.
16. _____ Pay restitution in the amount of \$ _____ as ordered by the Court. Payment shall be made through the Court Clerk's Office as follows:
17. _____ Obey the following rules and restrictions placed on me by the Court: _____

REVOCATION AND CONTEMPT:

If I do not follow the Court's Orders or the rules in the Probation Contract, I may be brought back to the Court. I can be charged with violating the conditions of my probation and face possible revocation of my probation or be charged with Contempt of Court. I understand that I can challenge a Revocation of Probation or Contempt of Court charge and that during that challenge, I have the right to be represented by an attorney.

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ACKNOWLEDGMENT:

As _____'s parent(s), custodian(s) or guardian(s), we understand that we have a duty to act in good faith in seeing to it that our child follows the Court's Orders and this probation contract and that we must report violations to the Youth Services Counselor within twenty-four (24) hours. Our duty includes bringing our child for drug or alcohol testing, if required by the Youth Services Counselor, and paying the costs of any tests. Failure to do so may result in our child being brought before the court.

YOUTH_____
DATE_____
MOTHER_____
DATE_____
FATHER_____
DATE_____
GUARDIAN/CUSTODIAN_____
DATE_____
JUDGE (optional)_____
DATE_____
YOUTH SERVICES COUNSELOR_____
DATE

I RECEIVED A COPY OF THIS SIGNED CONTRACT ON _____
Date

YOUTH

THIS IS TO ACKNOWLEDGE THAT THE CONDITIONS AS STATED ABOVE HAVE BEEN COMPLETED AND THE ABOVE YOUTH IS RELEASED FROM PROBATION WITH THE _____ COUNTY YOUTH COURT.

Date_____
YOUTH SERVICES COUNSELOR

October 1, 2016

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